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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,110

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Jonathan Olaf Hudson

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EXAMINER

HICKS, CHARLES N

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,110	Applicant(s) HUDSON, JONATHAN OLAF	
	Examiner CHARLES N. HICKS	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/2/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 38-47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 48-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furlan (US 2002/0147991 A1), hereinafter referred to as Furlan, in view of Logan (US 2002/0120925 A1), hereinafter referred to as Logan. .

5. Regarding claim 48, Furlan discloses a method of configuring picture or video data to be broadcast including the steps of:

(a) collecting a first portion of said data at a first remote site (**fig. 1-3, pg. 4, paragraph 65**);

(b) encoding and transmitting said first data portion in a compressed data format in accordance with a first standard from said first remote site to a program creation suite (**fig. 1-3, pg. 4, paragraphs 63-65**);

(c) collecting a second portion of said data at a second remote site (**fig. 1-3, pg. 4, paragraphs 61-63**);

(d) encoding and transmitting said second data portion in said compressed format in accordance with said first standard from said second remote site to said program creation suite (**fig. 1-3, pg. 4, paragraphs 61-65**);

(e) receiving and decoding said data portions (**fig. 1-3, pg. 3, paragraphs 57-58**);

(f) selecting or rejecting each of said data portions (**fig. 1-3, pg. 7, paragraph 99**); and

(i) broadcasting said data as part of said program in accordance with a second standard for general reception at a plurality of remote sites, including sites that are not said first or second remote sites (**fig. 1-3, pg 3-4, paragraphs 58-61**).

However Furlan fails to disclose (g) using said selected data portions to create a program segment; and (h) integrated said segment with other segments into a program. Logan discloses (g) using said selected data portions to create a program segment (**fig. 1, pg. 5, paragraphs 64-65**); and

(h) integrated said segment with other segments into a program (**fig. 1, pg. 5, paragraphs 64-66**). Motivation to combine the references is due to the fact that both references deal with manipulation of streamed data. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

6. Regarding claim 50, Logan discloses the method including the step of providing a channel for receiving a home based presentation (**fig. 4, pg. 12, paragraph 159**).

7. Regarding claim 51, Logan discloses a method adapted to fulfill a television format said television format involving the steps of:

a) distributing clues defining a situation to be broadcast as a television segment (**fig. 1, pg. 16, paragraphs 214-218**);

b) receiving a plurality of presentations showing segments in picture or video form, each received segment being based on an interpretation of said clues (**fig. 1, pg. 16, paragraphs 214-218**)

However Logan fails to disclose c) selecting at least one of said presentations for broadcast. Furlan discloses c) selecting at least one of said presentations for broadcast (**fig. 1-3, pg. 7, paragraph 99**). Motivation to combine the references is due to the fact that both references deal with manipulation of streamed data. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

8. Regarding claim 52, Logan discloses the method wherein selection of a received segment for broadcast is based on a best fit with the situation defined by the clues (**fig. 1, pg. 16, paragraphs 214-218**).

9. Regarding claim 53, Logan discloses the method wherein selection of a received segment for broadcast is based on a least best fit with the situation defined by the clues (**fig. 1, pg. 16, paragraphs 214-218**).

10. Regarding claim 54, Logan discloses the method wherein a selection of a received segment for broadcast is based on a perverse or contrary fit with the situation defined by the clues (**fig. 1, pg. 16, paragraphs 214-218**).

11. Regarding claim 55, Furlan discloses the method wherein said selection is competitive (**fig. 1-3, pg. 4, paragraphs 62-65**).

12. Regarding claim 56, Logan discloses a method of doing business including the step of generating revenue from contestant submission of picture or video data (**fig. 1, pg. 18, paragraph 242**).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 49 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Furlan, in view of Logan, in view of Ellis (US Patent No. 6,774,926 B1), hereinafter referred to as Ellis.

16. Regarding claim 49, Ellis discloses a method wherein said step of data collection is performed with a handheld communication device, such as a video capable, mobile telephone (**fig. 1 & 6, col. 3, lines 55-68, col. 4, lines 1-18**). Motivation to combine the references is due to the fact that the references deal with manipulation of streamed data. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

17. Regarding claim 57, Ellis discloses a method including the step of collecting data regarding content submitters including personal; equipment; or content type (**fig. 11-12, col. 10, lines 45-68**).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES N. HICKS whose telephone number is (571)270-3010. The examiner can normally be reached on M-F 7:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/
Primary Examiner, Art Unit 2623

CNH